

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC
PHARMACEUTICALS PRICING
ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724
HON. CYNTHIA M. RUFE**

IN RE: ECONAZOLE CASES

LEAD CASE: 16-EC-27240

THIS DOCUMENT RELATES TO:

ALL END-PAYER ACTIONS

END-PAYER CASE: 16-EC-27242

ORDER

AND NOW, this 27th day of October 2020, upon consideration of the unopposed End-Payer Plaintiffs' Motion for Leave to Amend the EPP Econazole Complaint [Doc. Nos. 162 and 163 in 16-EC-27242; Doc. No. 226 in 16-EC-27240; and Doc. No. 1557 in 16-MD-2724]¹, and upon consideration of the attached Stipulation between the parties, it is hereby **ORDERED** that the Motion is **GRANTED**.

It is further **ORDERED** that EPPs are **GRANTED** leave to file the unredacted Econazole Consolidated Third Amended End-Payer Class Action Complaint under seal.

It is further **ORDERED** that Teligent's Motion to Dismiss the Amended Econazole Complaints Against Teligent, Inc. (Doc. Nos. 194 and 195 in 16-EC-27240) is **DISMISSED** without prejudice as moot.²

¹ This Order shall be filed in 16-MD-2724, 16-EC-27240, and 16-EC-27242; however, the Amended Complaint shall be filed only in 16-EC-27242.

² As Teligent's Motion to Dismiss was directed to all of the Econazole Amended Complaints, and as all Plaintiffs jointly opposed the motion, the Court determines that it is appropriate to dismiss the motion in its entirety and will

It is further **ORDERED** that Defendants' responses to the Econazole Consolidated Third Amended End-Payer Class Action Complaint shall be scheduled according to the attached Stipulation, which is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

allow for renewal of Teligent's motion as to all operative Econazole Complaints in accordance with the schedule set forth in the Stipulation.

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**JOINT STIPULATION TO EXTEND THE DEADLINE FOR DEFENDANTS
TO RESPOND TO END-PAYER PLAINTIFFS’
THIRD AMENDED ECONAZOLE CLASS ACTION COMPLAINT**

WHEREAS, American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan; The City of Providence, Rhode Island; Detectives Endowment Association of the City of New York; Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana and HMO Louisiana, Inc.; Self-Insured Schools of California; Sergeants Benevolent Association Health and Welfare Fund; United Food & Commercial Workers and Employers Arizona Health and Welfare Trust; and Unite Here Health, on behalf of themselves and all others similarly situated (collectively “End-Payer Plaintiffs”) sought leave to file a Consolidated Third Amended Econazole Class Action Complaint on October 16, 2020, *In re Econazole*, Case No. 2:16-EC-27242-CMR;

WHEREAS, End-Payer Plaintiffs and Perrigo New York, Inc.; Taro Pharmaceuticals U.S.A., Inc.; and Teligent, Inc. (collectively “Defendants”) have reached an agreement to extend

the time within which the Defendants must respond to the End-Payer Third Amended Econazole Class Action Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. The deadline for Perrigo New York, Inc. and Taro Pharmaceuticals USA, Inc. to answer the End-Payer Third Amended Econazole Class Action Complaint is ADJOURNED until such time as the Court orders the filing of responses to complaints filed on or after May 10, 2019.

2. Because the End-Payer Third Amended Econazole Class Action Complaint has superseded the End-Payer Second Amended Econazole Class Action Complaint, Teligent, Inc.'s pending motion to dismiss, Dkt. No. 194, to the extent it seeks to dismiss the End-Payer Second Amended Econazole Class Action Complaint, should be denied without prejudice as moot;

3. The deadline for Teligent, Inc. to renew its motion to dismiss, answer, or otherwise respond to the End-Payer Third Amended Econazole Class Action Complaint is ADJOURNED until such time as the Court orders the filing of responses to complaints filed on or after May 10, 2019.

4. The parties agree that End-Payer Plaintiffs' state law claims asserted in the End-Payer Third Amended Econazole Class Action Complaint are governed by the Court's prior rulings, and any further briefing relating to End-Payer Plaintiffs' state law claims asserted in the End-Payer Third Amended Econazole Class Action Complaint shall be encompassed within the briefing contemplated under PTO 79 and shall be governed by any Order entered by the Court addressing the End-Payer state law claims, whether litigated or resolved by stipulation.

IT IS SO STIPULATED.

Dated: October 16, 2020

<p><u>/s/ Roberta D. Liebenberg</u> Roberta D. Liebenberg FINE, KAPLAN AND BLACK, R.P.C. One South Broad Street, 23rd Floor Philadelphia, PA 19107 (215) 567-6565 rliebenberg@finekaplan.com</p> <p>Liaison and Lead Counsel for End-Payer Plaintiffs</p>	<p><u>/s/ J. Clayton Everett, Jr.</u> J. Clayton Everett, Jr. MORGAN LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, N.W. Washington, DC 20004 (202) 739-3000 clay.everett@morganlewis.com</p> <p>Counsel for Defendant Perrigo New York, Inc.</p>
<p><u>/s/ Christopher P. Wilson</u> John M. Taladay Erik T. Koons Stacy L. Turner Christopher P. Wilson BAKER BOTTS LLP 700 K Street NW Washington, DC 20001 Telephone: (202) 639-7700 Facsimile: (202) 639-7890 john.taladay@bakerbotts.com erik.koons@bakerbotts.com stacy.turner@bakerbotts.com christopher.wilson@bakerbotts.com</p> <p>Lauri A. Kavulich Ann E. Lemmo CLARK HILL PLC 2001 Market St, Suite 2620 Philadelphia, PA 19103 Telephone: (215) 640-8500 Facsimile: (215) 640-8501 lkavulich@clarkhill.com alemmono@clarkhill.com</p> <p>Lindsay S. Fouse CLARK HILL PLC 301 Grant St, 14th Floor Pittsburgh, PA 15219 Telephone: (412) 394-7711 Facsimile: (412) 394-2555 lfouse@clarkhill.com</p>	<p><u>/s/ Bryan Gant</u> Bryan Gant White & Case LLP 1221 Avenue of the Americas New York, NY 10020 (212) 819-8200 bgant@whitecase.com</p> <p>Counsel for Defendant Teligent, Inc.</p>

Counsel for Defendant Taro Pharmaceuticals U.S.A., Inc.	
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